

VIOLATION OF SOCIAL CONTRACTS: AN IMPEDIMENT TO NATIONAL INTEGRATION IN NIGERIA

Cyril Emeka Ejike
Department of Philosophy
Nnamdi Azikiwe University, Awka,
Anambra State, Nigeria.
cyril.ejike@gmail.com

Abstract

The credibility of anti-corruption and counter-insurgency crusade of Buhari's administration has been undermined by flagrant disregard for court orders, violation of human rights, selective prosecution, and prolonged court cases. These problems are corollaries of weak institutions of the Nigerian state. A wave of these ills has ripple effects, as it reinforces and sustains corruption, violence, terrorism, political instability, social cleavages, religious intolerance and other vices. Consequently, Nigerian society cannot guarantee and secure good life of its members which is the end of the state. Against this background, this paper utilizes Locke's social contract theory to argue that the inconveniences in the state of nature which necessitate the emergence of the civil society have resurfaced in terms of poor dispensation of justice and implementation of laws. The method of analysis is employed to examine the extent to which the violation of social contracts, exemplified in the Nigerian Constitution and laws, affects national integration. The research discovers that attempts at national integration have failed and are failing because the key factors in the integration of different ethnic groups, namely, equality before the law, justice, promotion of people's welfare and preservation inalienable rights are virtually nonexistent. People show proclivity towards disintegration when they become increasingly disillusioned with their leaders due to credibility gap. The chief purpose of the government is the preservation of rights to life, property, and liberty. When these rights are flagrantly abused and violated, people do not feel obligated to remain in the current political arrangements. The paper recommends that strengthening the institutions of the state through sustained and effective implementation of laws and quick dispensation of justice will go a long way towards achieving national integration.

Keywords: national integration, Nigeria, rule of law, social contracts, violation of social contracts

Introduction

Every nation or society has philosophies (or principles) that underlie its corporate existence and define its goals. The realisation of its goals, the end of the state - the common good – depends largely on the maintenance of such principles through the institutions of the state. A just, peaceful and developed society is a society whose activities and programmes are guided

by its underlying principles and strive to implement such principles effectively. Nigeria is a multi-ethnic and cultural nation divided into 36 states and 748 local governments. It is the most populous country in Africa with over 160 million people. It gains her independence as the Federation of Nigeria on 1 October 1960. Nigerian National anthem is played and sung in the event of her independence to the delight of millions of people. This anthem recognises the ethnic, religious, cultural and language diversities and at the same time affirms that “the concept of brotherhood would prevail” (as cited in Ikejiani-Clark 2009, p. 435). These recognition and affirmation are evident in the part of the anthem that reads: “Nigeria we hail thee... Though tongue and tribe may differ... In brotherhood we stand” (as cited in Ikejiani-Clark 2009, p. 435).

The Nigeria's political independence is expected to usher in an era of liberty, unity, and progress for all Nigerians through strict observance to the social contracts that bind its corporate existence. But what we get from the period of military rule to the present democratic dispensation is the breach of the contract which finds expression in political and economic imbalances, social exclusion, marginalization, violation of human rights and reckless disrespect for the rule of law. The attendant consequences include, *inter alia*, ethno-religious violence, insurgency, militancy, animosity and rivalries among different ethnic groups over the sharing of the national cake.

Both Locke (2003) and Hobbes (1968) agree that a civil or political society is formed on the basis of a social contract that binds all contracting parties together. The chief end of the state is the protection of lives and property but it can only be attained by fulfilling the contract. It is through the activities or functions of the established organs or arms of government that the contract is fulfilled. When each organ performs its functions properly and accordingly there is justice, peace and security.

On the contrary, conflict, disharmony and violence loom large when each organ is defective. It is in this regard that Hegel (as cited in Copleston, 2003) asserts that the negation of contract engenders the notion of wrong which is exemplified in crime and violence. This notion of wrong leads Hegel to the concept of punishment (the judicial function) which he interprets as the annulment or cancellation of wrong. It stands to reason that for a nation to live harmoniously and peacefully, the institutions of the state must be strong and effective by each performing its duties properly and accordingly.

The anti-corruption and counter-insurgency crusade of Buhari's administration has lost all credibility due to flagrant disregard for court orders, violation of human rights, selective prosecution and prolonged court cases. All these are corollaries of weak institutions of Nigerian state. Consequently, these problems have reinforced and sustained other vices such as corruption, violence, terrorism, herdsmen attacks, social cleavages, political instability and religious intolerance.

This paper seeks to utilise Locke's social contract theory to contend that the chief purpose of forming Nigerian society has been defeated through non-implementation of laws and poor dispensation of justice. The paper employs the method of analysis to examine the extent to

which the violation of social contracts affects national integration. To this end, this paper will explore Locke's social contract theory. Thereafter, it will conceptualise the rule of law and national integration. Finally, the paper will examine the influence of social contract violation on national integration in Nigeria and makes concluding remarks.

Theoretical Framework

John Locke's social contract theory provides a frame on which this paper builds its analysis and arguments.

The State of Nature

Locke (2003) conceives of a state of nature prior to the formation of civil society. It is a state of perfect freedom and equality governed by the law of nature which is reason. This law “teaches that all mankind who will but consult it that, being all equal and independent, no one ought to harm another in his life, health, liberty or possession...” (Locke 2003, p. 102). It is this law that makes the harming of oneself and others illegitimate in the state of nature. Every person should preserve the rest of mankind as he is bound to preserve himself, respecting the right of others and upholding the law of nature for the maintenance of peace and order.

It is not a state of lawlessness since “men in the state of nature had the natural law, decreed by God and self-evident to human reason” (Omeregbe 1993, p. 207). The morality of human actions are therefore judged according to how actions conform to this law of nature, which Locke (2003) regard as the divine law or God's law. Stumpf and Fieser (2003, p. 259) state that “this natural law implied natural rights with corresponding duties and among these rights Locke emphasised particularly the right of private property” which everyone has the right to protect. By 'property' here Locke means lives, liberty and estates.

Accordingly, Locke's theory of nature defines the rights of persons and their status as free and equal persons. Though the state of nature is a state of liberty, this freedom is not licentious. As he puts it:

But though this be a state of liberty, yet it is not a state of license: though man in that state has an uncontrollable liberty to dispose of his person and possessions, yet he has no liberty to destroy himself, or so much as any creature in his possession, but where some nobler use that its bare preservation calls for it (Locke 2003, p. 102).

This means that though men have liberty in the state of nature, no one has the right to destroy oneself or the lives of others. Locke's claim is that individuals have a duty to respect the rights of others, and the source of duty is the natural law. Hence, men in the state of nature are free and equal, and at liberty to do as they wish, provided their acts are within the bounds of the law of nature.

Problems of Protection of Rights

Although Locke views the state of nature as a state of perfect freedom and equality, the enjoyment of these rights is very insecure and unsafe. The rights of man are constantly exposed to the invasion of others, and this makes it difficult for him to preserve his property in actual practice. Locke asserts that men in the state of nature are faced with many inconveniences which make the protection of their rights, especially that of property to be always insecure and unsafe. The first inconvenience is that though the people know the law of nature, they sometimes differ in their interpretations of what the law of nature requires; each person interprets the law to protect his interests.

Thus, they are heavily biased towards one another and will often disagree about whether someone's rights have been truly violated. Locke (2003, p. 155) writes thus: "For though the law of nature be plain and intelligible to all rational creatures, yet men, being biased by their interest, as well as ignorant for want of studying it, are not apt to allow it as a law binding to them in the application of it to their particular cases."

Hence, for this inconvenience to be solved there is need for an established, known and written law to define the natural law and decide all controversies, for the security of the rights of the individuals. This is accomplished when men freely consent to enter into civil state.

Another inconvenience is that by all men being executioners of the law of nature, men are partial in judging others as each person tries to favour himself in his own case. This will often lead people to inflict excessive punishments in retaliation for offences committed against them. In explaining this Locke (2003, p. 155) states: "Everyone in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far and with too much heat in their own cases, as well as negligence and unconcernedness, to make them too remiss in other men's." Therefore, there is need for a known and indifferent judge with authority to settle all controversies according to the established law.

The third inconvenience is that though men have a moral right to defend their rights, many of them lack the power to do so and find themselves at the mercy of stronger aggressors. Even if they try to do it by force, the resistance put up by the offender "many times makes the punishment dangerous and frequently destructive to those who attempt it" (Locke 2003, p. 155). To avert this ugly scenario, the people enter into civil state where the power of the execution of the law is only in the hand of trustworthy and well-established government.

Locke sums up these inconveniences in the state of nature and asserts that men go into civil state to remedy these inconveniences in this way: "The inconveniences that they are there in exposed to, by the irregular and uncertain exercise of the power every man has of punishing the transgression of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property" (2003, 155).

Therefore, the fundamental problem with the state of nature is that it lacks an established known law, known and indifferent judge as well as the executive power to enforce just

decisions (Anifowose & Enemuo, 2000).

The Social Contract

Men enter into a social contract in order to avoid the inconveniences in the state of nature. Each person agrees with others to join and unite themselves into a community for their comfortable, safe, and peaceful living in a secure enjoyment of their properties. In so doing, they divest themselves of their legislative and executive powers and hand them over to the community (Locke, 2003). The enforcement of everyone's natural rights now becomes a public and collective matter, with all private judgment of every particular member being excluded.

Given that there is no way for a community to act collectively at all except by following the will of the majority of its members, to agree to enter into a community is, ipso facto, to agree to abide by the will of the majority. Thus, Locke (2003, p. 143) affirms:

That which acts any community being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary to the body should move that way whither the greater force carries it, which is the consent of the majority: or else it is impossible it should act or continue one body, one community which the consent of every individual that united into it agreed that it should.

Accordingly, this consent obliges each person to submit to the majority (Locke, 2003). To submit to the majority is to surrender only part of one's "natural rights, particularly the right to interpret and execute the law of nature" (Anifowose & Enemuo, 2000, p. 72). Therefore, the consent of the people is the original source of civil state. However, the social contract, for Locke, is not a means by which contracting parties forgo their liberty and live under servitude as obtainable in the rule of Hobbes' leviathan. Rather, the people forgo their legislative and executive powers, that is, they forgo the right of correction and punishment, which they have in the state of nature, and hand them over to the community for the common good. In this way people together would preserve their lives, freedom and property, that is, the rights of all according to natural law.

Limitations of the Contract

Locke (2003) maintains that the ultimate sovereignty or supreme power rests with the people. Government must be constitutional. In other words, it must be based on the rule of law. Its power is limited and not absolute since its power is derived from the people. 'The people are the sovereign and they reserve the right to remove any government that fails to perform its duty properly' (Omeregbe, 2007, p. 137). For instance, when the state unduly interferes with

the property interests of the citizens, they are bound to protect themselves by withdrawing their consent.

It is on this basis that Locke (2003) insists that when a ruler seeks absolute power and goes against the natural law, and fails to protect life, liberty and property, people can justifiably overthrow the existing state and create a new one. This because they do not surrender their natural rights to an instituted authority, rather they give up their legislative and executive power to the authority for the preservation of their natural rights. Thus, in Locke's view, the people may revolt against a tyrant ruler, who attempts to violate their right of freedom, property, and life because, in so doing, he puts himself in a state of war against the people.

Rule of Law

The social contract is exemplified in the constitutions and laws and is guided by the rule of law. The rule of law is propounded by Professor A.V. Dicey in 1885. According to Dicey (as cited in Elegido, 1994, p. 185), the rule of law is “the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness of prerogative, or even of wide discretionary authority on the part of the government.” It implies the exercise of authority in accordance with the constitution, equality before the law and respect of fundamental human rights.

Accordingly, both the rulers and the ruled, the government and citizens are bound by law; they must respect and obey the law. The activities and programmes of organs or institutions of government must be guided and regulated by law. There must not be arbitrariness in the exercise of governmental authority. Authority must not be exercised in a manner that violates individuals' inalienable rights. In the same way, the law controls the actions of individuals or citizens. For instance, one's freedom must not encroach upon the freedom of another individual. Rule of law is therefore a standing rule applicable to everybody in a society.

Principles of Rule of Law

The basic principles of the rule of law include supremacy of the law, equality before the law and right of personal liberty.

Supremacy of Law

The law is supreme to both the rulers and their subjects. Nobody is above the law. There must be no partiality in the dispensation of justice. All accused persons should be fairly tried and duly punished if found guilty. An accused is presumed innocent until he is found guilty of any crime or offence. When found guilty, all culprits should be punished according to the law, irrespective of their social status and affluence. The rule of law requires that “both the ruler and the ruled are guided by law and their actions are regulated by law without any “sacred cow” or anybody above the law” (Omeregbe, 2007, p. 115). Therefore, everybody is subject to the law and the culprits must face the wrath of the law. No matter how exalted their positions or ranks are. For the rule of law to be supreme, government must be impartial in arrest, trial and punishment of offenders; the arrest of culprits must be selective.

Equality before the Law

This means that both the government and the governed are equal before the law, regardless of their social positions. The law is no respecter of persons. The equality of all citizens and the dignity of the law must be respected. Equality here does not suggest economic or social equality, but equality with respect to the human rights, security of lives and property, administration of justice, and the exercise of governmental powers. (Nwabueze, as cited in Omeregbe, 2007). The principle of equality also demands that everybody have access to legal facilities to be able to seek redress in the court when their rights are violated.

Right of Personal Liberty

This principle states that all citizens have natural or inalienable rights which should be safeguarded by the state. These rights include the right to life, right to property, right to personal liberty, freedom of religion, freedom of speech and association, among others. For the rule of law to be sustained, the policies and actions of the government must not violate the fundamental rights of citizens as enshrined in constitutions. Besides, the actions of individuals must not be allowed to restrict the fundamental rights of other citizens (Oyeneye *et al.*, 2006). Therefore, the government and individuals must not deprive citizens of their natural rights. According to Omeregbe (2007, p. 117), “A society under the Rule of Law must be society in which liberty, equality and fraternity of the citizens are cherished, preserved and protected.”

From the foregoing, it is evident that the rule of law cannot be effectively applied without quick dispensation of justice, respect for court orders and full implementation of law. The supremacy of the law, the principles of equality and personal liberty are undermined when judges are corrupt, partial, partisan and inadequate. They tend to pervert and delay justice, give unfair hearing and ruling when they clandestinely have affiliations to politics or political parties. Such judges will always rule in favour of their affiliated parties or political allies, especially when they have taken bribes.

Again, the inadequate of judges can result in backlog of cases to be handled by few judges, with its attendant protracted court cases. This creates room for bribery and corruption as many clandestine and shady deals might have been negotiated and struck with judges during the long period of legal proceedings. In this regard, the saying that 'justice delayed is justice denied' still holds true. Judiciary must be neutral, independent and adequate in order to discharge its duties without fear or favour.

Besides, the principles of the rule of law are also undermined when laws are not fully and effectively implemented by the executive. The law is supreme and everybody is equal before the law. Hence, the executive should respect and obey court orders. In a society where the executive who is responsible for the execution of law, flagrantly violates the rule of law and disrespect court orders, the judicial system becomes weak and the rights of citizens cannot be safeguarded. When the rule of law does not prevail, then there will be no justice, peace and stability in the society.

National Integration

This refers to oneness or togetherness felt by citizens of a country based on common goal, identity and history. According to Fatile and Adejuwon (2010, p. 325), national integration

“the process whereby several disparate groups within a given territorial entity are united together or corporate under conditions that seem not to allow satisfaction of their system needs in any other way.”

It is a process whereby political actors shift their loyalties and expectations toward a central political authority and institutions, leading to socio-political unity or cohesion (Ogunojemite & Oyeleye, as cited in Aderonke, 2013). Supporting this view, Duverger (as cited in Ojo 2009) conceives national integration as the process of unifying members of a society on the basis of an order the members regard as equitably harmonious. “It is an attainment within a territory of a “sense of community” and of institutions and practices strong enough and widespread enough to assure, for a long time, dependable expectations of peaceful community” (Fatile & Adejuwon, 2010, p. 324).

It is therefore the unity of people of a nation despite their differences in culture, language, tribe, region, religion and social status. In other words, to be nationally integrated is to be united amidst diversity. The extent to which diverse groups adapt to the demands of national existence while co-existing peacefully and harmoniously determines national integration (Aderonke, 2013). There is national integration when the diversity of a people of a nation allows the pursuit and realization of national interests and goals. Such a nation is where unity and diversity are mutually exclusive.

Oni and Ogundiwin (as cited in Aderonke, 2013) view national integration as: “The building of a nation state with diverse social, economic, religious, ethnic, and geographical elements. This involves translation of diffused and unorganised sentiments of nationalism into a spirit of citizenship through the creation of state institutions whose policies and programmes are oriented towards satisfying the aspirations of the citizens.” This suggests that for a multi-ethnic and cultural society to be integrated, the institutions of the state must gear its policies and programmes towards meeting the needs and aspirations of the people. In other words, it means that government policies and programmes must be welfare-oriented to foster national integration.

It is obvious from the foregoing that justice, peace, orderliness, harmony and tolerance are necessary ingredients for promoting national integration. It is a futile attempt to seek national integration in an atmosphere of disorder, violence, insecurity, alienation, marginalization, favouritism and nepotism. National integration thrives and fosters in a society where there is justice, equitable distribution of resources, equal opportunity, peace, order, harmony, tolerance, respect for rule of law and human rights.

Violation of Social Contracts in Nigeria

In the social contract, individuals willingly consent to forgo their legislative, executive, and judicial powers, and hand them over to the government for the preservation of their rights, and satisfaction of their needs through the making, execution, and interpretation of laws.

Accordingly, the government derives its legitimacy from the people it governs. In other words, its authority or right to give order and be obeyed is willingly recognised and consented by the people whom it exercises authority over, and on behalf of whom it holds such authority in trust. It stands to reason that the government enjoys its legitimacy in so far as it respects the rights and freedom of the citizens. However, the government loses its legitimacy when it flagrantly violates people's rights.

Social contracts in a modern nation like Nigeria are exemplified in the Constitution and laws of the land and are guided by the rule of law. There is a nexus between social contracts and national integration. The observance or violation of social contracts determines the extent to which national integration may or may not be achieved. Social contracts as written laws and constitutions are the most fundamental and important force that promote national integration. This is because democratic principles and Fundamental Human Rights are enshrined in the Constitution. Without respect for laws of the land, other measures adopted towards national integration are palliative and cosmetic exercises. It is when and only when the rule of law is obeyed that important unifying forces like sports, national festivals, Independence Day celebration, and so on can have an enduring significance in the promotion of national integration. Nigeria is experiencing a period of unmitigated disillusionment as a result of violation of social contracts. There is a gaping disconnect between the rulers and the ruled because the contracts that bind people of diverse ethnic groups, tribes, culture, and language are flagrantly breached.

Social contract theory makes it clear that the civil society is formed for the main purpose of preserving individuals' right to life, freedom and property. These basic rights are enshrined in constitutions and are necessary for the development of individuals' potentialities and realisation of national integration. However, efforts at national integration are impeded by breach of social contracts exemplified in flagrant violation of laws and human rights, marginalization, social exclusion, nepotism, and corruption.

It could be recalled that President Muhammadu Buhari restates his commitment to ensure compliance with the rule of law and respect for human rights, shortly after assuming office. He assures that he would not allow any agency or arm of government to undermine the rule of law. As he puts it: "Let me reiterate this administration's commitment to due process, merit and total observance of the rule of law as central pillars of prosperous and democratic society" (Buhari, as cited in Okakwu 2017, para. 3). During an address delivered at the Commonwealth meeting in May 2016, Buhari (as cited in Okakwu 2017, para. 5) reiterates that he is "committed to applying the rule of law and to respecting human rights."

In the same vein, Vice president, Yemi Osibanjo reassures the administration's commitment to the rule of law in an interview with Journalists in April, 2016. In his words: "I very strongly believe that we must obey the law. It is our duty as government to respect the orders of the court." (Osinbanjo, as cited in Okakwe 2017, para. 7). However, these assurances turn out to be bogus ones as the administration flagrantly disrespects the rule of law and violates court orders.

For instance, former National Security Adviser, Sambo Dasuki, who was accused of alleged diversion of funds and illegal possession of fire arms, had been granted bail on different occasions by various courts. On 3 November 2015, Abuja Division of the Federal High Court presided over by Justice Adeniyi Ademola granted Dasuki permission to travel abroad for weeks on medical grounds and ordered that his passport be released. But the State Security service (SSS) refused to comply with the court ruling. On 18 December 2015, the same Dasuki and four others were granted bail by Justice Hussein-Baba Yusuf. He was given a condition to provide a bond of N250 million, the Nigerian government disobeyed the court order, though Dasuki met the condition.

Again, on 21 December 2015, Dasuki, Bashir Yuguda (former Minister of state for Finance), Attahiru Bafarawa (former Sokoto governor) and others who were charged to court by Economic and Financial Crimes Commission (EFCC) for alleged misappropriation of funds. He was granted bail by Justice Peter Affen with conditions. Though Dasuki fulfilled the conditions, the SSS refused to release him. He took the case to the Economic Community of West Africa (ECOWAS) court which ruled on the matter on October 4, 2016. Dasuki was granted bail and the Nigerian government was ordered to pay "N15 million to the defendant as damages for his illegal and arbitrary detention" (Okakwu 2017, para. 22). In reaction, the Attorney-General of the Federation and Minister of Justice, Abubakar Malami said that government was under no compulsion to comply with the court ruling. On 7 January and 6 April, 2017, the Federal High Court in Abuja reaffirmed the indisputability of the previous court orders granting Mr. Dasuki bail. Despite all these court orders, he was still incarcerated in Kuje Maximum Prisons.

The abuse and violation of human rights by the Buhari's administration is also conspicuous in the case of leader of the Indigenous People of Biafra, Mr. Nnamdi Kanu. He was apprehended on October 14, 2015 and arraigned to Magistrate Court, Wuse II on treason charges. On October 19, 2015 he was granted bail with some stringent conditions. However, Mr. Kanu was able to meet the bail conditions in full. Despite meeting the bail requirements, the Nigerian government disregarded court orders and continued to detain him. This prompts Obetta (as cited in Amaize et al. 2015) to declare: "I have not seen or heard any place where a court grants bail and the person is not released. Under UN and Africa charter, it is enshrined that once bail is granted, you release the person upon meeting the bail conditions. We are sliding to days of Decree 2 and 4 of 1984. This is pure Dictatorship" (Nnamdi Kanu has met bail conditions – Obetta, his lawyer section, para.3).

Also, he was unconditionally given bail by the Abuja Division of the Federal High Court on 17 December 2015. Rather than respect court rulings, the Federal Government detained him and filed a six-count charges on 18 December 2015 and amended the charges to eleven counts on 11 November 2016 to ensure his continued detention. What is more, the leader of a Shiite group, Islamic Movement of Nigeria (IMN), Mr. Sheikh Ibrahim El-Zakzaky who was arrested together with his wife by the military on 14 December 2015 after a clash between IMN and officers of the Nigerian army during which at least 347 members of IMN were massacred. They were detained for many months without trial. It was as a result of violation of their right to fair trial and hearing that the Abuja Division of the Federal High Court, presided over by Justice Gabriel Kolawole, on 2 December 2016 ordered their release and asked the Nigerian government to pay a fine of N50 million to the detainees as well as provide accommodation for them and their family. Despite the 45 days ultimatum to the government by the court to comply with the order, the government failed to abide by the ruling.

What the government did instead was to appeal against the ruling 10 days after the expiration of the ultimatum. What a reckless disregard for the rule of law! In the light of this, Onnoghen (as cited in Okakwu 2017.) describes government's "disobedience of court order as an act of impunity" (CJN, Lawyers Speak section, para. 2). He maintains that obedience to court orders should be considered by the executive and legislature 'as a strong motivation for the fight against corruption and enrichment of the Rule of law in our country'" (Onnoghen, as cited in Nnochiri 2017, para. 2).

It is therefore ridiculous to be fighting corruption and insurgency while at the same time flouting blatantly court orders. Non-compliance to court orders undermines democratic principles and engenders anarchy in a society. Hence, Jacobs (as cited in Okakwu, 2017) asserts that section 287 of the Nigerian Constitution stipulates that:

Judgements of every court of law must be respected. Judgements by high courts; court of appeal and supreme court must be respected by all persons and authorities. There is a duty on everyone to obey court orders. And on no account should anyone fail to obey court orders.... If you disobey court judgements, you ridicule the judiciary, the constitution, you ridicule everybody and it is an invitation to anarchy (CJN, Lawyers Speak section, para. 5).

In the words of Jideobi (as cited in Ujumadu 2017, para. 6)

Obedience to court orders is fundamental to the peace and stability of the Nigerian nation. The ugly alternative is a painful recrudescence of triumph of brute force or anarchy, a resort to our old system of settlement by means of bow and arms, machetes and guns. Disobedience to an order of court should, therefore, be seen as an offence directed not against the personality of the Judge who made the order, but as a calculated act of subversion of peace, law, and order in Nigeria. To allow court orders to be disobeyed would be to tread the road toward anarchy...If the remedies that the court grants to correct wrongs can be ignored, then there will be nothing left for each person but to take the law into his own hands.

Recently, Mr. Omoyele Sowore, the presidential candidate of the African Action Congress (AAC) in the 2019 presidential election was picked up by the Department of State Service (DSS) on August 3, 2019 and charged with treason for scheduling a nationwide peaceful protest on August 5, 2019 against perceived injustice and maladministration by the President Buhari-led administration. He was detained for 45 days by the DSS at the behest of a Federal High Court. After the days had elapsed, the court ordered his release within 24 hours, having found no warrant for detaining him further.

Nevertheless, the DSS blatantly flouted this valid court order and continued to detain Mr. Sowore (Nnochiri, 2019). On November 6, 2019, the Federal High Court again issued an order for the release of Mr. Sowore, having met his previous bail conditions and ludicrously remanded in the custody of the DSS for 90 days (Wahab, 2019). But the DSS failed to release him in reckless disregard of the court order.

Related to this disobedience to court orders are the unnecessary delays in the administration of justice and non-implementation of law. Most of the alleged insurgents and other criminals who have been apprehended for years are yet to be prosecuted, let alone convicted. Several government officials, including corrupt judges have been charged to court for alleged diversion, misappropriation or mismanagement of public funds, bribe-taking and other criminal offences. But some of the alleged culprits are still on trial and some others are yet to be put on trial. The four-year tenure of the office of the President is close to termination, yet justice is being delayed.

Recently, there are shreds of evidence that the leaders of *Miyetti Allah* Cattle Breeders Association of Nigeria are responsible for the ongoing incessant massacre in Benue state of Nigeria. There are press conferences credited to them and their stance is on tape. They state it clearly that their mission is not about grazing but Jihad. They want to occupy, dominate and take over the land. These claims are now viral and none of their leaders have refuted the claims openly. Regrettably, the leaders of the group are yet to be apprehended, let alone institute

criminal proceedings against them. Thus, it poses a big threat to stability and national integration to allow the perpetrators of this carnage to freely walk the streets with impunity without being brought to justice.

The protracted delays in the prosecution and conviction of alleged offenders undermine the rule of law and weaken the judicial system. Any offence committed is a negation of law. Punishment is necessary in order to negate the offence or rectify the wrongdoing and, more importantly, deter others from committing similar offence. Long delays in the administration of justice spur corruption, malfeasance, insurgence and other nefarious activities in the country. For instance, the endless awaiting prosecution of the *Boko Haram* members, who have been arrested, tends to encourage other members in the *Sambisa* forest and other hideouts to continue to unleash brutal attacks on human lives and property.

This is because they know full well that if they are caught, they will probably be put in prison for long time, while awaiting prosecution. After all, life in prison seems better than that of *Sambisa* forest where the insurgents are exposed to harsh weather and are in constant danger of attack. Similarly, we should not expect corrupt judges and government officials to eschew their shady deals and corrupt practises when their counterparts are facing unending prosecution and none has been convicted. It is my impression that corruption will be drastically minimized the day judges in this country will be bold enough to pronounce death sentence or at least life imprisonment to convicted corrupt judges and government officials. It is not enough to apprehend alleged offenders without expeditious prosecution and possible conviction. Justice demands that culprits are punished to rectify an offence and serve as a deterrent to actual and potential wrongdoers. Unless this is done, a culprit has not been brought to justice.

As a result of reckless breach of social contracts, Nigerians are divided along ethnic lines. Instead of national integration, what we observe in Nigeria today is integration of different ethnic groups within a region for the sole purpose of clamouring for justice and development within the region. For instance, Niger Delta region is struggling for resource control, people of South Eastern region are agitating for secession, while Northern people want to dominate and Islamize the country. Armed with this regional sentiment, people plunge into politics with deep-seated ethnic beliefs. They exploit the feelings of tribal and ethnic differences during electioneering to further their interests. They see their position of authority as an avenue of protecting their personal and regional interests instead of national interests. There is a preference of tribal or ethnic alliances and loyalty over national alliances. Little wonder Nigeria has more of regional leaders than national leaders today.

This type of leaders fans the emblem of intolerance, fanaticism or extremism, hatred and disunity through hate speech, propaganda and nepotism. This ethnic attachment and bigoted behaviour of leaders also account for abandonment of projects and social schemes started by an immediate past administration. There is this belief that such projects and schemes favour some sections or regions of the country, even if they are meant for the best interest of the nation. All these lead to feeling of resentment and hostility that threaten the integrity of the country.

Nigeria is not the only multi-ethnic and multi-cultural society. Britain and America, for examples, have diverse ethnic groups, races and cultures but they still maintain unity amidst the diversity. This is possible because they adhere strictly to the rule of law. For example, when a court in US nullified Donald Trump's order banning some Muslims countries from entering America, the United States Department of Immigration respected court order by granting citizens of those countries access to America, without waiting for presidential directives. That is the rule of law in practice. It is a demonstration's of Americans' strict adherence to the rule of law and commitment to upholding the dream of their Founding Fathers inscribed in the America's Declaration of Independence – equality and opportunity for all citizens.

Concluding Reflections

We have stated in this paper that the state of nature is peaceful and ordered as people are guided by the law of nature. The only problem is that there are inconveniences arising from the absence of established organs of government for law-making, execution and interpretation/adjudication. The civil state is therefore formed to tackle the inconveniences that hamper the realisation of common good. Unfortunately, these inconveniences are yet to be eliminated in the Nigerian civil state. They express themselves in terms of delay in prosecuting and convicting corrupt criminals, judges, government officials and other citizens, giving verdict based on any consideration other than legal merit, flagrant disobedience to court orders and reckless violation of human rights. All these constitute breach of social contracts that impede efforts at national integration.

Indeed, 'integration of all social groups into a united entity is the goal of all modern nation states' (Fatile & Adejuwon 2010, p. 321) but for this goal to be realised, the rule of law and court orders must be respected, and justice must be expeditiously administered. It is when the contracts that bind people together are breached that conflict, violence, divisions and agitation, which pose a serious threat to national integration, set in. The chief purpose of the government is the preservation of human rights through the established institutions of the state. When these rights are flagrantly abused and violated, people do not feel obligated to remain in the current political arrangements.

It is out of frustration and disillusionment that the disfavoured and marginalized ethnic groups in Nigeria begin to lose hope and confidence in the defective system and thus cultivate either a systematic or a radical withdrawal of their love for the country (Fatile & Adejuwon, 2010). It is the inability to satisfy basic needs and aspirations of different ethnic groups in Nigeria that leads to the struggle to have a fair share in the national cake, the struggle for power and the issue of group identity. Nobody cares who governs a country, provided that all organs of government perform their duties properly and effectively and everybody gets their due.

If the rule of law cannot be respected, if court orders cannot be obeyed, if the bad eggs in the judicial sector cannot be got rid of, if trials and court rulings cannot be expedited, if laws cannot be fully implemented, then the chief aim of forming the civil state is defeated. Thus,

people of the Nigerian nation are prone to disintegration than integration. There is no justification whatsoever to advocate for oneness when the contract that binds people together is blatantly breached with impunity. Section 287 of the Nigerian Constitution imposes a binding duty on all authorities and persons to respect court orders.

The flagrant disdain for court orders and long delays in the administration of justice constitute greatest threat to the rule of law and, in turn, national integration. No nation can truly integrate in an atmosphere of instability and insecurity occasioned by disobedience to court orders and poor dispensation of justice. For example, the continued detention of Kanu and El-Zakzaky was greeted with series of protests, demonstrations, rallies and agitation across the country. It is nonsensical and irritating to be talking about integration when court orders and human rights are flagrantly and blatantly violated. Human society is prone to warfare than welfare in the wake of violation of social contracts.

It is therefore cannot be rightly gainsaid that utter contempt for court rulings is an invitation to state of lawlessness and strife, a reversion to Hobbes' state of nature where life is brutish and short. In the social contract, Locke (2003) insists that government can be legitimately overthrown if it does not depend on people's consent, if it exceeds its authority or if it fails to promote the common good which is the end of government. Although we do not advocate revolution in this paper, it looms large when judiciary – the last hope of man – is ridiculed through flagrant disdain for court orders.

It is our firm belief that Nigeria has good laws and policies that can help in the realisation of national integration and common good, if fully implemented. The best way to address injustice is to seek redress in a court when one's rights are violated, laws are broken, or the authority of the state is abused. But for this to be possible, institutions of the state must be reformed and strengthened. This can be done by providing adequate judges to avoid huge backlogs of court cases, expediting the apprehension and prosecution of all alleged corrupt judges, government officials and other citizens, punishing convicted offenders severely, ensuring strict adherence to court orders and implementing laws fully. Beyond this, Nigerian democracy has come of age. Nigerian citizens have the constitutional power/rights to vote unpopular leaders out of office through elections.

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